



Attorney Docket No.: I0248/7016 (ERP)

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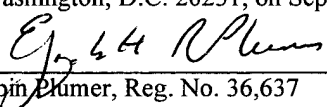
Applicants: Barbara WALLNER et al.  
Serial No.: 09/878,792  
Filing date: June 11, 2001  
For: HEMATOPOIETIC STIMULATION  
Examiner: Not yet assigned  
Art Unit: 1643

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on September 26 2001.

  
E. Robin Plumer, Reg. No. 36,637

Commissioner for Patents  
Washington, D.C. 20231

Sir:

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

International Search Report of PCT/US97/11279 dated 27 January 1998 (copy enclosed);

International Search Report of PCT/US98/08838 dated 13 August 1998 (copy enclosed);

International Search Report of PCT/US98/08723 dated 01 September 1998 (copy enclosed);

International Search Report of PCT/US92/09206 dated 03 February 1993 (copy enclosed);

International Search Report of PCT/US98/20343 dated 23 February 1999 (copy enclosed);

International Search Report of PCT/US99/10777 dated 29 July 1999 (copy enclosed);

International Search Report of PCT/US99/09652 dated 21 October 1999 (copy enclosed);  
and

Written Opinion of PCT/US98/20343 dated 22 October 1999 (copy enclosed).

Please note that the references listed on the Form PTO-1449, Reference Nos. B37 and B38, are cited in the above-referenced International Search Report attached hereto.

Reference No. B37, WO 98/50046, is categorized as a "P" document published prior to the international filing date but later than the priority date claimed and "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone.

Reference No. B38, WO 99/16864, is categorized as a "P" document published prior to the international filing date but later than the priority date claimed and "A" document defining the general state of the art which is not considered to be a particular relevance and is owned by applicant.

The Applicants would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application. Copies of these applications as filed are enclosed for the Examiner's convenience.

Application Serial No.	Filing Date	Status	Docket No.
09/304,199	05/03/1999	Allowed, Awaiting Issuance	I0248/7006
60/084,128	05/04/1998	Pending	I0248/7003

The Applicants would also like to bring to the Examiner's attention the following applications. Although these applications may not claim priority to one another, they are owned by or licensed to Point Therapeutics, Inc. and relate generally to the same technology.

Application Serial No.	Filing Date	Status	Docket No.
08/950,542	10/15/1997	Pending	I0254/7008
08/852,394	05/07/1997	Issued as U.S. Pat. 6,100,234	I0254/7006
08/852,395	05/07/1997	Issued as U.S. Pat. 6,040,145	I0254/7005
08/837,305	04/11/1997	Issued as U.S. Pat. 5,965,532	I0254/7004
08/671,756	06/28/1996	Pending	I0254/7003
08/459,654	06/02/1995	Abandoned	I0254/7002

Although these applications may not claim priority to one another, they are owned by or licensed to Point Therapeutics, Inc. and relate generally to the same technology.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

IV: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Barbara WALLNER et al.*

By: 

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Docket No.: I0248/7016  
Dated: September 20, 2001  
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